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Attorneys for Plaintiff
 ORACLE AMERICA, INC.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE, INC.

Defendant.

Case No. CV 10-03561 WHA

**DECLARATION OF MATTHEW
 SARBORARIA IN SUPPORT OF
 GOOGLE, INC.'S ADMINISTRATIVE
 MOTION TO FILE DOCUMENTS UNDER
 SEAL (DKT. NO. 580)**

Dept.: Courtroom 8, 19th Floor
 Judge: The Honorable William Alsup

I, MATTHEW SARBORARIA, declare as follows:

1. I am in-house counsel for Oracle America, Inc. (“Oracle”). My title is Managing Patent Counsel and I represent Oracle in the above-captioned matter.

2. I make this declaration based on my own personal knowledge. If called as a witness, I could and would testify competently as to the matters set forth herein.

3. I have reviewed Google’s Opposition to Motion to Exclude Portions of the Expert Reports of Gregory K. Leonard and Alan J. Cox (Dkt. No. 581) (the “Opposition Brief”) and the supporting Declaration of David Zimmer in Support of Google’s Opposition to Motion to Exclude Portions of the Expert Reports of Gregory K. Leonard and Alan J. Cox (“Zimmer Decl.”) (Dkt. No. 581-2), along with the relevant attachments, and Google’s Administrative Motion to File Documents Under Seal (Dkt. No. 580).

4. Oracle moves to seal portions of the Cockburn deposition. That material is reflected in Zimmer Decl. Ex. J, and lines 12:14–17 and 12:22–13:2 of the Opposition Brief. Those portions reflect Prof. Cockburn’s analysis and opinions regarding the threat of fragmentation to the Java platform, which he formed based on his review of confidential Oracle documents, testimony, and contracts. Oracle currently licenses the Java technology to third parties, and vigorously protects the platform against fragmentation—including by pursuing those who do not abide by Java’s compatibility standards through lawsuits such as this one. Detailed information and analysis, derived from confidential sources, from an expert witness about the threat of fragmentation of Java could, taken out of context, unfairly disparage one of Oracle’s valuable assets and provide an inequitable advantage to Oracle’s negotiating counterparties.

5. Google has also moved to seal portions of the Shugan deposition. That material is reflected in Zimmer Decl. Ex. K and 15:8–10 of the Opposition Brief. I have reviewed the excerpted sections and the quoted material and have determined that no Oracle confidential information would be revealed by making those sections public. Oracle would not oppose an order requiring Google to file these materials in public view.

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1 I declare under penalty of perjury that the foregoing is true and correct and that this declaration
2 was executed on November 3, 2011 at Redwood Shores, California.

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4 By: /s/ Matthew Sarboraria
Matthew Sarboraria
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GENERAL ORDER 45 ATTESTATION

I, Meredith Dearborn, am the ECF User whose ID and password are being used to file this document. In compliance with General Order 45, X.B., I hereby attest that Matthew Sarboraria has concurred in this filing.

Dated: November 3, 2011

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Meredith Dearborn
Meredith Dearborn

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